



Frederick L. Cottrell, III
Director
302-651-7509
Cottrell@rlf.com

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VIA ECF AND HAND DELIVERY

The Honorable Maryellen Noreika
United States District Court for the District of Delaware
J. Caleb Boggs Federal Building
844 North King Street
Wilmington, DE 19801

Re: *AgroFresh Inc. v. MirTech, Inc., et al.*, C.A. No. 16-662-MN

Dear Judge Noreika:

Pursuant to Local Rule 7.1.4, Defendants respectfully request oral argument on (1) Defendants' Renewed Motion for Judgment as a Matter of Law Under Rule 50(b) (D.I. 596) and (2) Plaintiff's Motion for Permanent Injunctive Relief (D.I. 599).

With respect to Plaintiff's Motion for Permanent Injunctive Relief, AgroFresh proposed a new and different form of injunction for the first time in its reply brief (D.I. 611, Exhibit A). Defendants have not had any opportunity to address this untimely proposal or the arguments offered in support. Rather than burden the Court with a motion for a sur-reply brief, Defendants would like to address during oral argument (in addition to the grounds identified in their opposition (D.I. 607)), that the untimely new proposal appears to be based on a conception of AgroFresh's "trade secrets" that is different from the alleged trade secrets AgroFresh chose to present to the jury. Many of the documents AgroFresh cites in its reply brief were not submitted to the jury as trial exhibits, and some of them were never submitted to the Court as part of the record in this case in any context. Despite this, AgroFresh's reply brief improperly represents that these alleged trade secrets were "tried to the jury." In essence, AgroFresh asks the Court to enjoin Defendants from forever practicing alleged "trade secrets" that AgroFresh asserted in this case but deliberately chose not to present to the jury. Thus, Defendants respectfully request oral argument to address these improper and untimely arguments contained in Plaintiff's reply brief.



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Respectfully,

/s/ Frederick L. Cottrell, III

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